



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

SEP 22 2016

Christopher Prosser, Acting Director
Division of Facilities Management
Office of Management and Budget
State of Delaware
192 Transit Lane
Dover, Delaware 19901

RE: Notice of Violation, Docket No. SDWA-003-2016-026-VS
Delaware State Fire School Public Water System
Dover, Kent County, Delaware, PWS ID No. DE0000818

Dear Mr. Prosser:

The following Notice of Violation and Request for information is issued pursuant to Section 1414(a) and 1445 of the Safe Drinking Water Act (SDWA), 42 U.S.C. §§ 300g-3(a) and 300j-4(a), and is a coordinated effort with the Delaware Health and Social Services (DHSS). According to our records and information received from DHSS, your public water system has violated certain provisions of the SDWA, 42 U.S.C. §§ 300f-300j-26, the National Primary Drinking Water Regulations (NPDWR) found at 40 Code of Federal Regulations (C.F.R.) Part 141.

NOTICE OF VIOLATION

FINDINGS

Based on information we possess:

1. The State of Delaware (Respondent) is the owner of the Delaware State Fire School public water system (PWS), PWS Identification Number DE0000818 (System). Respondent is a "person" as defined by Section 1401(12) of the SDWA and 40 C.F.R. §141.2.
2. According to the information provided by DHSS, the System serves approximately 219 persons and has one service connection. Delaware State Fire School is a "public water system" and a "transient non-community system," as defined by Sections 1401(4) and 1401(15) of the SDWA, 42 U.S.C. §300f(15), and by 40 C.F.R. §141.2.



*Printed on 100% recycled/recyclable paper with 100% post-consumer fiber and process chlorine free.
Customer Service Hotline: 1-800-438-2474*

3. The System exceeded the maximum contaminant level (MCL) for total coliforms, as defined by 40 C.F.R. §141.63, during the monitoring periods beginning July 1, 2014, October 1, 2014, January 1, 2015, April 1, 2015, and July 1, 2015, and has continued to exceed the MCL for total coliforms through at least August 2016.
4. A ground water system must conduct triggered source water monitoring if a sample collected under the Total Coliform Rule (TCR) or the Revised Total Coliform Rule (RTCR) is total coliform-positive. The Respondent has failed to collect a triggered source water sample as required by 40 C.F.R. §141.402(a).
5. Public water systems with a violation of a total coliform MCL must provide the public with notice of the violation as soon as practical but no later than fourteen (14) days after the system is notified of the violation. The notice must remain in place for as long as the violation persists. The Respondent has failed to post and maintain public notice, in accordance with 40 C.F.R. §141.202 and the State of Delaware Regulations Governing Public Drinking Water Systems §4.2.1, throughout the time that the System has remained out of compliance for the MCL for total coliforms.
6. The RTCR became effective on April 1, 2016. The provisions of the RTCR are contained in 40 C.F.R. Part 141, Subpart Y. The Respondent failed to conduct a Level 1 assessment and submit a completed Level 1 assessment form to DHSS within 30 days after the system learned that it had a total coliform MCL exceedance violation after April 1, 2016, as required by 40 C.F.R. §141.859.
7. On March 14, 2016, DHSS issued a Notice of Violation and Administrative Order (NOV/AO) to the Respondent citing the System's violation of Microbiological Maximum Contaminant Levels, violation of Triggered Source Water Monitoring, and failure to have a sample location prior to treatment pursuant to the State of Delaware Regulations Governing Public Drinking Water Systems §7.2, §8.3.1, and §8.3.5.1, respectively (Copy attached). According to information provided by DHSS, the Respondent has not complied with the NOV/AO.
8. The Respondent failed to respond to a Notice of Violation and Request for Information (NOV/RFI), Docket Number 003-2016-023-VS, issued May 26, 2016. The May 26, 2016 NOV/RFI notified the Respondent of exceedences of the maximum contaminant level (MCL) for total coliforms at its system. These exceedences have occurred in several monitoring periods since July 1, 2014. The NOV/RFI required the Respondent to provide specified information regarding the system, including, but not limited to, existing plans and schedules to resolve the ongoing MCL violations. A copy of the May 26, 2016, NOV/RFI, including a copy of the certified mail return receipt is enclosed with this NOV/RFI.

The Environmental Protection Agency ("EPA") is available to provide advice and technical assistance to help address the above FINDINGS. Please contact Mr. Jeremy Dearden at (215) 814-5351, if you want to request such advice or assistance.

This Notice of Violation is issued pursuant to Section 1414(a) of the SDWA, 42 U.S.C. § 300g-3(a). After thirty (30) days from the date of this notice, EPA is authorized either to issue an Administrative Order under Section 1414(g) requiring the public water system to comply, or to commence a civil action

under Section 1414(b). Violations of the SDWA and the regulations are subject to penalties of up to \$53,907 per day of violation.

REQUEST FOR INFORMATION

Section 1445(a) of the SDWA, 42 U.S.C. §300j-4(a), authorizes EPA to require owners and operators of public water systems to provide information as may be necessary to carry out the purposes of the SDWA.

Pursuant to Section 1445(a) of the SDWA, Respondent is required to provide EPA with the following information. This requirement to submit information is mandatory. Compliance with this requirement does not relieve Respondent of any liability for violations of the SDWA. Respondent may be subject to civil and criminal sanctions if it provides misleading or false information or fails to provide the requested information. Information which Respondent provides may be used by EPA in administrative, civil or criminal proceedings.

You may, if desired, assert a business confidentiality claim covering all or part of the information requested herein in the manner described in 40 C.F.R. Part 2. If no claim of confidentiality accompanies the information requested herein, it may be made available to the public by EPA without further notice to you. This inquiry is not subject to review by the Office of Management and Budget under the Paperwork Reduction Act of 1980, 44 U.S.C. Chapter 35 (See 5 C.F.R. § 1320.3(c)).

The instructions for responding are as follows:

- a. A separate narrative response must be made for each question set forth below and for any subparts of each question.
- b. Label each response with the corresponding number of the question and any subpart to which it responds.

Accordingly, pursuant to Section 1445(a) of the SDWA, Respondent is directed to provide EPA the following information.

1. Name and street address of the owner of the System. Do not provide a post office box.
2. Name and street address of the operator or operators of the System, and state certification number, if applicable. Do not provide a post office box.
3. Number of persons served drinking water by the system per day on average.
4. Number of service connections to the System.
5. A copy of the most recently performed sanitary survey for the System.
6. Any existing plans and schedules to resolve the violations stated in the Notice of Violation.
7. Any plans and schedules to install a raw water sample tap to collect a raw water sample, as stated in the DHSS NOV/AO.

8. Copies of public notifications posted for total coliform MCL violations.

Your response to this Notice of Violation and Request for Information shall be in writing. **Your response is due within thirty (30) days of receipt of this Notice of Violation and Request for Information.** You should submit your response to:

Mr. Jeremy Dearden
United States Environmental Protection Agency
Ground Water and Enforcement Branch (3WP22)
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029
dearden.jeremy@epa.gov

And

Mr. Edward Hallock
Delaware Health and Social Services
Division of Public Health
Office of Drinking Water
43 South Dupont Highway
Dover, Delaware 19901
edward.hallock@state.de.us

If you have any questions, please contact Jeremy Dearden at (215) 814-5351 or Dearden.Jeremy@epa.gov.

Sincerely,



James C. Bennett Jr., Acting Chief
Ground Water and Enforcement Branch

Enclosures:

May 26, 2016 EPA Notice of Violation / Request for Information
March 14, 2016 Delaware Notice of Violation / Administrative Order
Copy of Public Notice (accessed from DHSS website on 08/12/2016)

cc: Edward Hallock, Program Administrator, DHSS
Sherry Lambertson, Executive Specialist, State Fire Prevention Commission
David J. Roberts, Chairman, State Fire Prevention Commission